

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION RECEIVED
WASHINGTON, D.C. 20554**

OCT 29 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	FCC 02-201
)	
Amendment of Section 73.202(b),)	MM Docket No 98-112
Table of Allotments, FM Broadcast Stations)	RM-9027
(Anniston and Ashland, AL, College Park,)	RM-9268
Covington, and Milledgeville, Georgia))	RM-9384

To: The Commission

COMPLAINT AND REQUEST FOR INVESTIGATION

**PRESTON W. SMALL
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October 29, 2003

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Preston W. Small (Mr. Small), by his attorney, in response to the General Counsel's October 22, 2003 letter finding that Senator Shelby's October 8, 2003 letter violated the Commission's *ex parte* rules, hereby follows up his October 15, 2003 *Second Request for Prompt Case Processing and Submission of an Ex Parte Letter Received by Counsel* with a complaint concerning Mr. Lipp's effort to influence the outcome of this restricted rulemaking proceeding through the use of *ex parte* political influence. In support whereof, the following is respectfully submitted.

1) Mr. Small's October 15, 2003 *Second Request for Prompt Case Processing and Submission of an Ex Parte Letter Received by Counsel*, ¶¶ 2-3, indicates that Mr. Small did not seek to hold Senator Shelby personally responsible for the *ex parte* violation which attended his provision of constituent services. It is most likely that Senator Shelby was not aware that the instant proceeding is restricted and that he did not know that was being requested to violate the FCC's *ex parte* rules. From the face of the Senator's October 8, 2003 letter to Chairman Powell it initially seemed that Senator Shelby merely sought to save various constituents from bureaucratic arteriosclerosis and Mr. Small immediately attempted to protect the Senator by delivering the Senator's letter to each interested party at their last known address.¹

2) By letter dated October 22, 2003 the General Counsel's office informed Senator Shelby that his October 8, 2003 letter was not submitted in compliance with the *ex parte* rules. The General Counsel's office sent its October 22, 2003 letter to the same parties listed on Mr. Small's October 15, 2003 service list and the General Counsel's office provided a second copy of the Senator's letter to those parties. Even though the letter has now twice been sent to each party who might be interested, the General Counsel's October 22, 2003 letter informs the Senator that "if you wish the merits of your

¹ Undersigned counsel acted the day after his office received the Senator's letter. October 15, 2003 *Second Request for Prompt Case Processing and Submission of an Ex Parte Letter Received By Counsel*, ¶ 2. The day the Senator's letter arrived at counsel's office counsel was out of the office, counsel effectively acted immediately upon personal receipt of the letter the next day.

letter to be considered, the letter, or a cover letter, must indicate that it was served on the parties listed below.”² The matter is of such import that delivery of the Senator’s letter by Mr. Small and the General Counsel’s office was insufficient to avoid, or cure, the Senator’s *ex parte* violation.³

3) What is troublesome here is that it appears that the Senator was not advised by whomever solicited his help that MM Docket 98-112 is restricted and that *ex parte* contacts are forbidden. As a respected national leader with numerous constituencies to serve, the Senator is obliged to try to help those who come to him and he relies upon the full candor of such persons. Certainly a United States Senator does not knowingly violate an administrative agency’s rules which are designed to ensure that the public in general, and Mr. Small in this case, have a decision making process which appears, and which is in fact, fair and impartial.

4) While the Senator does not seem personally responsible in light of these considerations, such conduct would constitute a serious breach of agency norms if engaged in, or if solicited by, a party to this restricted proceeding. Upon further reflection of the content of the Senator’s letter, reread in light of the seriousness with which the General Counsel’s office views the matter, and reread with a view that the General Counsel considers that the Senator’s letter contains a “merits” discussion, and after concluding background research, it is clear that Mr. Lipp, counsel to WNNX LICO, Inc., its parent Susquehanna Radio Corporation, improperly solicited the Senator to send the *ex parte* letter. As parties appearing before the Commission, WNNX/Susquehanna/Mr. Lipp are

² The service list includes parties from both the captioned docket, MM Docket 98-112, and the parties in MM Docket 01-104. While the “Re.” portion of the General Counsel’s October 22, 2003 indicates that MM Docket 98-112 is at issue, by providing notice to the parties in MM Docket 01-104 the General Counsel’s letter seems to indicate that the Senator’s letter should have been served on the parties to MM Docket 01-104 as well. Therefore, it appears that the failure to serve the parties in MM Docket 01-104 also raises an *ex parte* violation.

³ The General Counsel’s letter effectively rejects Mr. Small’s suggestion that “we think that proceeding in this manner [i.e., service effectuated by Mr. Small] ensures that the Senator’s letter can be accepted by the FCC without even the appearance of an *ex parte* problem.” October 15, 2003. *Second Request for Prompt Case Processing and Submission of an Ex Parte Letter*, ¶ 2.

charged with knowing and complying with the Commission's litigation rules.⁴ See e.g., *Glenn West*, 37 F.C.C.2d 460 ¶ 10 (Rev. Bd. 1972) ("we must view West's conduct in light of the fact that he is not only required to know and understand the Commission's Rules as a licensee of a broadcast station, he is also a licensed first class radio operator and thus charged with a full knowledge of rules and regulations which are applicable to the station he operates"). It cannot be disputed that Mr. Lipp, as the former chief of the Commission's section responsible for handling FM channel allocation, is well aware of the prohibition against *ex parte* communications. See e.g., *Vero Beach, Florida, Notice of Proposed Rule Making*, 3 FCC Rcd. 1632 ¶ 13 (Lipp, Chief, Policy and Rules Division 1988) (Mr. Lipp instructs the public regarding *ex parte* rules).⁵ Moreover, Mr. Small's opponents have first hand experience with the rules regulating litigation conduct, rules which are designed to protect fairness, and the appearance of fairness, of restricted proceedings, because an *ex parte* issue was raised against them concerning their back-channel activity in MM Docket 01-104. See *Auburn, Northport, Tuscaloosa, Camp Hill, Gardendale, Homewood, Birmingham, Dadeville, Orrville, Goodwater, Pine Level, Jemison, and Thomaston, AL*, 18 FCC Rcd. 10333 ¶ 25 (Aud. Div. 2003). Mr. Lipp and his clients are also charged with knowing that it is improper to bring political influence to bear in the Commission's restricted proceedings. See e.g., *Stearns County Broadcasting Company, Inc.*, 104 F.C.C.2d 688 ¶ 12 (Rev. Bd. 1986).

⁴ A prohibited *ex parte* presentation is a communication made to decision making Commission personnel which is directed to the "merits or outcome of a proceeding" or which "is intended to influence the timing of a proceeding," but which is not served upon parties to the proceeding. 47 C.F.R. § 1.1202(a),(b),(c). 47 C.F.R. § 1.1208 provides that "proceedings involving amendments to the broadcast table of allotments," like MM Docket 98-112, are "restricted" and *ex parte* communications are prohibited. It is settled that an expression of support for one side to a restricted proceeding which is made without the knowledge of the other side is an illegal *ex parte* presentation. *Rainbow Broadcasting Company*, 13 FCC Rcd. 21000 ¶ 14 (FCC 1998).

⁵ Mr. Lipp's improper solicitation of the Senator to make political pressure a factor in this proceeding is properly imputed to his principals. *Carol Sue Bowman*, 6 FCC Rcd. 4723 ¶ 4 (FCC 1991); *Hillebrand Broadcasting Corp.*, 1 FCC Rcd. 419. 420 n. 6 (FCC 1986).

5) The Senator's October 8, 2003 letter states that the Senator writes on behalf of "several" unnamed owners of six (6) Alabama FM broadcast licenses who have experienced delay as a result of the litigation MM Docket 98-112 which prevents upgrades which, the Senator writes, are "necessary for their viability." While Mr. Small wrote in his October 15, 2003 *Second Request for Prompt Case Processing and Submission of an Ex Parte Letter Received by Counsel*, ¶ 3, that "Senator Shelby's letter does not state a preference for which party prevails in MM Docket 98-112," upon further review of the Senator's letter, it is apparent that this is not a correct reading of the Senator's letter and it appears that the only way for the six stations to improve "their viability" via upgrade would be for Mr. Small to lose the contest in MM Docket 98-112. If Mr. Small prevails and Susquehanna's Station WHMA-FM is compelled to go back to Anniston, it would seem that the six stations discussed in the Senator's letter would be precluded from modifying their stations. We regret not focusing more closely on this point in our self-imposed rush preparing the October 15, 2003 filing, but our goal at that point was to try, albeit unsuccessfully, to protect the Senator from a violation of the *ex parte* rules.

6) To reiterate, to the extent that the Senator merely provided constituent services, Mr. Small does not wish to make the Senator a subject of this proceeding. On the other hand, the Senator's broadcast licensee constituents listed in the letter, and the unlisted WNNX/Susquehanna/Mr. Lipp triumvirate, as Commission licensees, are charged with following the Commission's litigation rules.⁶

⁶ Absent Mr. Lipp's connection to the Senator's letter and to the six FM stations listed in the Senator's October 8, 2003 letter, it might be that the owners of the six stations could be excused from the hot seat because, unlike Mr. Lipp/WNNX/Susquehanna, the six stations are not participants in MM Docket 98-112. See *Auburn, Northport, Tuscaloosa, Camp Hill, Gardendale, Homewood, Birmingham, Dadeville, Orrville, Goodwater, Pine Level, Jemison, and Thomaston, AL*, 18 FCC Red. 10333 ¶ 25 (Aud. Div. 2003) (parties in a rulemaking are not prohibited from discussing another rulemaking to gain relief in their own rulemaking). However, as discussed below, because Mr. Lipp is the hub which connects the six stations listed in the Senator's letter to WNNX/Susquehanna in MM Docket 98-112, and because the six stations would benefit from Mr. Lipp's solicitation at the expense of Mr. Small, examination of the six stations is required to
(continued.)

The General Counsel's October 22, 2003 letter states that the purpose of the litigation rules is to "ensure both fairness and the appearance of fairness in Commission proceedings." Mr. Small deserves a decision making process which is free from illegal *ex parte* communications, free from the taint of political influence, free from the appearance of political influence, and free of attempts to solicit assistance to violate these rights. That said, it is not the Senator who needs to take responsibility for interfering with this restricted proceeding, the responsible party is whomever from MM Docket 98-112 solicited the Senator's assistance

7) Examination of extrinsic information relating to each of the six (6) call signs listed in the Senator's October 8, 2003 letter to Chairman Powell reveals that Mr. Lipp serves as FCC counsel to each of them as follows:

- WFNU-FM—File No. BALH-20030814AJM—Mr. Lipp is listed as the contact representative for the Assignor/Licensee and for the Assignee in this FCC Form 314 assignment of license application
- WEZZ-FM—File No. BPH-20030821AFQ—Mr. Lipp is listed as the contact representative for the Licensee in this FCC Form 301 construction permit application.
- WSSY-FM—File No. BPH-20030821AGM—Mr. Lipp is listed as the contact representative for the Licensee in this FCC Form 301 construction permit application.
- WZLM-FM—File No. BPH-20030821ACG—Mr. Lipp is listed as the contact representative for the Licensee in this FCC Form 301 construction permit application.
- WJAM-FM—File No. BPH-20030821ACB—Mr. Lipp is listed as the contact representative for the Licensee in this FCC Form 301 construction permit application
- WAYI-FM—File No. BMPH-20030821AGA—Mr. Lipp is listed as the contact representative for the Licensee in this FCC Form 301 construction permit application.

Copies of the first page of each of these applications, evidencing Mr. Lipp's representational status, are attached hereto. Mr. Lipp also represents WNNX LICO, Inc. (and its owner Susquehanna Radio Corporation) in the captioned MM Docket 98-112

“(continued)

ascertain whether they were willful participants in Mr. Lipp's solicitation of the Senator.

8) In light of the fact that Mr. Lipp represents every station listed in the Senator's October 8, 2003 letter, gullibility would be elevated to high science if it were concluded that Mr. Lipp did not contact the Senator's office to solicit the Senator's letter or that Mr. Lipp did not coordinate the contact(s) made to the Senator's office on behalf of the six FM licensees listed in the Senator's letter for the benefit of WNNX /Susquehanna⁷. We know that FM call signs do not converse with United States Senators and that a human being contacted the Senator, but the Senator's letter is silent about who made the contact. Given that this is supposed to be a restricted, but an open, on the record proceeding, the lack of identity of the contacting person is a very serious breach of litigation requirements. The only rational conclusion is that the Senator's letter does not indicate service to Mr. Lipp, while noting service to the undersigned, because Mr. Lipp drafted the Senator's letter, or Mr. Lipp helped the Senator's office author the letter, or Mr. Lipp had others assist the Senator⁸.

9) Mr. Lipp did not respond in any manner to Mr. Small's October 15, 2003 *Second Request for Prompt Case Processing and Submission of an Ex Parte Letter Received by Counsel* a filing which was intended, in part, to provide Mr. Lipp with a copy of the Senator's October 8, 2003 letter. Mr. Lipp, therefore, leaves the Commission with the impression that he did not have a copy of the Senator's letter when the facts reveal that Mr. Lipp either drafted the letter or played a substantial role in producing the letter. Mr. Lipp's failure to keep the Commission informed on how he was trying to influence the Commission, and who he was using to accomplish that objective, constitutes a blatant

⁷ A party may not solicit others to take action, which if taken by the party, would result in a violation of the Commission's rules. See e.g., 47 C.F.R. § 1.1210 ("no person shall solicit or encourage others to make any improper presentation under the provisions of this section.").

⁸ An irrational conclusion, based upon the existing facts, is that six (6) of Mr. Lipp's client stations located in Alabama independently determined to contact, at the same time, the same Congressional representative, and not another one, in an effort to obtain relief in a restricted proceeding and that not a single one of them advised the Senator that the proceeding was restricted.

lack of candor and Mr. Lipp and WNNX/Susquehanna should be disqualified from this proceeding for an egregious, intentionally hurtful violation of the full candor requirement

The acts of willful misrepresentation and lack of candor raise immediate concerns as to whether a licensee will be truthful in future dealings with the Commission. Id. Misrepresentation is a false statement of fact made with an intent to deceive the Commission, while lack of candor is a concealment, evasion or other failure to be fully informative, accompanied by an intent to deceive the Commission. *Fox River Broadcasting, Inc.*, 93 FCC 2d 127, 129 (1983). In *Contemporary Media, Inc. et al v FCC*, 214 F.3d 187, 193 (D.C. Cir. 2000), the Court recognized that “[t]he FCC relies heavily on the honesty and probity of its licensees in a regulatory system that is largely self-policing.” The Court also stated that “[i]t is well recognized that the Commission may disqualify an applicant who deliberately makes misrepresentations or lacks candor in dealing with the agency.

Order to Show Cause, 16 FCC Rcd 4330 ¶ 15 (FCC 2001) (emphasis added)

10) While Mr. Lipp considered that the Senator’s intercession and the political pressure he might wield at the Commission would be useful to his clients’ causes, else he would not have solicited the Senator’s assistance, it is clear that Mr. Lipp wished to remain in the background regarding the public presentation of the Senator’s *ex parte* letter. However, in an effort to appear unconnected to the Senator’s letter, Mr. Lipp miscalculated by omitting from the Senator’s service list either himself and/or WNNX/Susquehanna.⁹ Mr. Lipp’s attempt to stay behind the curtain evinces Mr. Lipp’s understanding that using the Senator’s political influence upon Chairman Powell and the Commission was improper. It is deeply troubling that this is the second time in this proceeding where it has come to light that Mr. Lipp is attempting to achieve regulatory success while attempting to hide his activities from Mr. Small’s view.¹⁰ Unlike the “incidental” contact which occurred earlier in MM

⁹ It is deliciously ironic that the *ex parte* violation concerns the Senator’s failure to serve Mr. Lipp’s clients, WNNX/Susquehanna, in as much as it was Mr. Lipp who assisted the Senator in crafting the letter. Even if WNNX/Susquehanna were unaware of Mr. Lipp’s activities, they are bound by Mr. Lipp’s actions and they have been on notice of Mr. Lipp’s predilection to act behind the scenes.

¹⁰ The staff determined in MM Docket 01-104 that Mr. Lipp’s conduct did not amount to an *ex parte* violation in that proceeding because the staff determined that Mr. Lipp’s contact in MM Docket 01-104 about which Mr. Small complained was “incidental.” See *Auburn, Northport*,
(continued.)

Docket 01-104, the Senator's letter is drafted to influence the Commissioners' determination in MM Docket 98-112 and Mr. Lipp's solicitation is not excusable as merely "incidental."

11) In a significant respect the instant case is dissimilar to the improper *ex parte* contact at issue in *Press Broadcasting Company, Inc. v. FCC*, 59 F.3d 1365, 1369-70 (D.C. Cir. 1995). *Press Broadcasting* concerned an improper contact at the staff level rather than contact directly with the Commissioners themselves. The Court determined that because the staff recused itself, because the Commissioners were the ultimate decision makers, and because the Commissioners were untainted by the illegal contact, "the agency's decision making process was not irrevocably tainted." The Senator's letter, however, was directed to Chairman Powell. Not only is Chairman Powell "decision-making personnel" vis-a-vis Mr. Small's September 3, 2002 *Petition for Reconsideration and Second Motion to Reopen the Record* as confirmed in ¶ 2 of the General Counsel's October 22, 2003 letter, Chairman Powell is a Commissioner and Mr. Lipp intended that his solicited Senatorial contact would influence the highest offices within the Commission.¹¹

12) Mr. Small is a small business operator who is opposing large, very rich, very powerful, well-connected companies in at least two states in an effort to improve his own station. To date Mr. Small has been subjected to blatant threats of civil litigation in the event that he continued to litigate his interests in the captioned restricted proceeding and one threatening party threatened to file suit even if it had no legitimate grounds to do so. See September 3, 2002 *Petition for Reconsideration*,

¹⁰(continued)

Fuscaloosa, Camp Hill, Gardendale, Homewood, Birmingham, Dadeville, Orrville, Goodwater, Pine Level, Jemison, and Thomaston, AL, 18 FCC Rcd. 10333 ¶ 25 (Aud. Div. 2003). However, the incident does demonstrate Mr. Lipp's proclivity to use back channel communications with the Commission. Given the fact that Mr. Lipp is a former management level Commission employee, one would think that such a person would have a higher regard for appearances.

¹¹ Whether the Senator actually influenced Chairman Powell, or another Commissioner, is irrelevant to resolution of the issues of whether Mr. Lipp improperly solicited *ex parte* political pressure and to the issue of whether Mr. Lipp has lacked candor. We trust in the Commissioners' ability to determine whether any of them were tainted and to determine whether recusal is warranted.

¶¶ 31-34 and Certification of Preston W. Small. As reported in Mr. Small's December 4, 2002 *Third Motion for Leave to File Supplement*, ¶¶ 1-4, and in Mr. Small's December 13, 2002 *Fourth Motion for Leave to File Supplement*, ¶¶ 9-12, WNNX/Susquehanna/Mr. Lipp have repeatedly threatened Mr. Small with civil suit in writings submitted to the Commission if he continued to pursue his interests in MM Docket 98-112, including the first written threat made against Mr. Small in 1997 which Susquehanna/Mr. Lipp submitted to the Commission in a pleading to protest the proposed sale of Mr. Small's radio station. Mr. Small has been subjected to the filing of a completely baseless civil suit for specific performance -- not only was the requested specific performance denied in that civil case, the presiding Federal U.S. District Judge, at footnote 5 of his November 26, 2002 *Order*, advised the party seeking specific performance that rather than presenting a case which warranted specific performance, it looked like the complaining party, or a related company, had reneged on substantial payment obligation to Mr. Small. See Mr. Small's December 13, 2002, *Fourth Motion for Leave to File Supplement* attaching a copy of the November 26, 2002 *Order* of the U.S. District Court for the Middle District of Georgia, Athens Division, in Civil Action 3:02-CV-80 (HL) (denying preliminary injunctive relief to Bridge Capital Investors, the nominal plaintiff). The U.S. District Judge has now added Susquehanna to the case to allow Mr. Small to explore, *inter alia*, whether Susquehanna played a role in defrauding Mr. Small. Mr. Small uncovered what appeared to be an improper, behind the scenes attempt to influence decision making in the instant case via *ex parte* comments submitted in MM Docket 01-104, although the staff ruled that Mr. Lipp's comments were "incidental." Now it has become clear that Mr. Lipp has solicited the intercession and influence of a United States Senator to help sway the Commissioners' decision making process in the captioned restricted proceeding, not through a discussion of facts and law, but through the weight of raw political pressure.

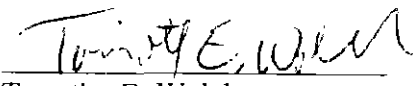
13) While Mr. Small finds some limited solace in the fact that his opponents find his substantive case to be troubling enough that they must resort to external, illegal channels to try to get

then way in MM Docket 98-112, Mr. Small's opponents go too far. Mr. Small is entitled to an apparently fair and an objectively fair, impartial, non-politicized, restricted proceeding where the parties' communications which are intended to influence decision makers are made openly rather than made from the dark hidden behind the coattails of a United States Senator, or hidden from view in another restricted proceeding, and without Mr. Small having to endure illegal threats of civil suit and without Mr. Small having to defend against retaliatory law suits brought without regard to whether the suit had merit. Over time Mr. Lipp and his clients and their associates have removed the appearance that Mr. Small is being treated fairly in this proceeding and it is up to the Commissioners to make sure that Mr. Small receives fair treatment.

14) Because Mr. Lipp represents each of the FM licenses listed in the Senator's October 8, 2003 letter, as well as WNNX/Susquehanna in the captioned proceeding, the Commission must investigate the role Mr. Lipp and those parties played in the effort to improperly influence the Commissioners' decision making process in the captioned case.¹² The opponents' effort to bring political influence to the Commission's decision making process through solicitation of the Senator's assistance cannot be countenanced. The Commission must investigate the circumstances concerning the improper solicitation of the Senator's assistance for the purpose of inserting political influence and *ex parte* considerations into the ongoing decision making process in MM Docket 98-112 to draw legal conclusions about the opponents' conduct.

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October 29, 2003

Respectfully submitted,
PRESTON W. SMALL


Timothy E. Welch
His Attorney

¹² It may be that the owners of the call signs referenced in the Senator's letter are merely unknowing and unwitting pawns serving WNNX LICO, Inc./Susquehanna Radio Corporation/Mr. Lipp interests MM Docket 98-112.

Federal Communications Commission Washington, D.C. 20554 FCC 314	Approved by OMB 7060-0031 (June 2002) FOR FCC USE ONLY
APPLICATION FOR CONSENT TO ASSIGNMENT OF BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE Read INSTRUCTIONS Before Filling Out Form	FOR COMMISSION USE ONLY FILE NO BALH - 20030814AJM

Section I - General Information

1	Legal Name of the Licensee/Permittee BRANTLEY BROADCAST ASSOCIATES			
	Mailing Address 415 N. COLLEGE STREET			
	<table border="1"> <tr> <td data-bbox="185 663 581 732">City GREENVILLE</td> <td data-bbox="581 663 1110 732">State or Country (if foreign address) AL</td> <td data-bbox="1110 663 1476 732">Zip Code 36037 -</td> </tr> </table>	City GREENVILLE	State or Country (if foreign address) AL	Zip Code 36037 -
City GREENVILLE	State or Country (if foreign address) AL	Zip Code 36037 -		
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FCC Registration Number 0005088596	Call Sign WFNC	Facility ID Number 40901		
2	Contact Representative (if other than licensee/permittee) MARK N. LIPP, ESQ			
	Firm or Company Name VINSON & ELKINS, L.L.P.			
	Mailing Address THE WILLARD OFFICE BUILDING 1455 PENNSYLVANIA AVENUE, N.W.			
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Telephone Number (include area code) 2026396771	E-Mail Address (if available) MLIPP@VELAW.COM			
3	Legal Name of the Assignee GREAT SOUTH RFDC, L.L.C.			
	Mailing Address 415 COLLEGE STREET			
	<table border="1"> <tr> <td data-bbox="185 1506 581 1574">City GREENVILLE</td> <td data-bbox="581 1506 1110 1574">State or Country (if foreign address) AL</td> <td data-bbox="1110 1506 1476 1574">ZIP Code 36037 -</td> </tr> </table>	City GREENVILLE	State or Country (if foreign address) AL	ZIP Code 36037 -
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Telephone Number (include area code) 3348759315	E-Mail Address (if available)			
4	Contact Representative (if other than assignee) MARK N. LIPP, ESQ			
	Firm or Company Name VINSON & ELKINS, L.L.P.			
	Mailing Address THE WILLARD OFFICE BUILDING 1455 PENNSYLVANIA AVENUE, N.W.			
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Telephone Number (include area code) 2026396771	E-Mail Address (if available) MLIPP@VELAW.COM			
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Federal Communications Commission Washington, D.C. 20554 FCC 301	Approved by OMB 3060-0027 (June 2002) FOR FCC USE ONLY
APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION Read INSTRUCTIONS Before Filling Out Form	FOR COMMISSION USE ONLY FILE NO BPH - 20030821AFQ

Section I - General Information

1	Legal Name of the Applicant GREAT SOUTH RIDGE, L L C	
	Mailing Address 415 COLLEGE STREET	
	City GREENVILLE	State or Country (if foreign address) AL
	Telephone Number (include area code) 3348759315	ZIP Code 36037 -
	E-Mail Address (if available)	
	FCC Registration Number 0008208811	Call Sign WEZZ-FM
	Facility ID Number 61231	
2	Contact Representative (if other than Applicant) MARK N. LIPP ESQ	
	Firm or Company Name VINSON & ELKINS, L L P	
	Telephone Number (include area code) 2026396771	E-Mail Address (if available) MLIPP@VELAW.COM
3	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114) <input type="radio"/> Governmental Entity <input type="radio"/> Other	
4	Application Purpose <input type="radio"/> New station <input type="radio"/> Major Change in licensed facility <input type="radio"/> Minor Change in licensed facility <input type="radio"/> Major Modification of construction permit <input type="radio"/> Minor Modification of construction permit <input type="radio"/> Major Amendment to pending application <input checked="" type="radio"/> Minor Amendment to pending application (a) File number of original construction permit BPH-20030821AFQ <input type="checkbox"/> NA (b) Service Type <input type="radio"/> AM <input checked="" type="radio"/> FM <input type="radio"/> TV <input type="radio"/> DTV (c) Community of License City JEMISON State AL (d) Facility Type <input checked="" type="radio"/> Main <input type="radio"/> Auxiliary If an amendment, submit as an Exhibit a listing by Section and Question Number the portions of the pending application that are being revised [Exhibit 1]	

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

Federal Communications Commission Washington D.C. 20554 FCC 301	Approved by OMB 3060-0027 (June 2002) FOR FCC USE ONLY
APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION Read INSTRUCTIONS Before Filling Out Form	FOR COMMISSION USE ONLY FILE NO BPH - 20030821AGM

Section I - General Information

1	Legal Name of the Applicant GREAT SOUTH REDC, L L C			
	Mailing Address 415 COLLEGE STREET			
	<table border="1"> <tr> <td data-bbox="181 627 850 702">City GREENVILLE</td> <td data-bbox="850 627 1255 702">State or Country (if foreign address) AL</td> <td data-bbox="1255 627 1488 702">ZIP Code 36037 -</td> </tr> </table>	City GREENVILLE	State or Country (if foreign address) AL	ZIP Code 36037 -
City GREENVILLE	State or Country (if foreign address) AL	ZIP Code 36037 -		
	<table border="1"> <tr> <td data-bbox="181 702 850 776">Telephone Number (include area code) 3348759315</td> <td data-bbox="850 702 1488 776">E-Mail Address (if available)</td> </tr> </table>	Telephone Number (include area code) 3348759315	E-Mail Address (if available)	
Telephone Number (include area code) 3348759315	E-Mail Address (if available)			
	<table border="1"> <tr> <td data-bbox="181 776 520 840">FCC Registration Number 0008208811</td> <td data-bbox="520 776 850 840">Call Sign WSSY-FM</td> <td data-bbox="850 776 1488 840">Facility ID Number 64557</td> </tr> </table>	FCC Registration Number 0008208811	Call Sign WSSY-FM	Facility ID Number 64557
FCC Registration Number 0008208811	Call Sign WSSY-FM	Facility ID Number 64557		
2	<table border="1"> <tr> <td data-bbox="181 840 850 915">Contact Representative (if other than Applicant) MARK N. LIPP, ESQ</td> <td data-bbox="850 840 1488 915">Firm or Company Name VINSON & ELKINS L L P</td> </tr> </table>	Contact Representative (if other than Applicant) MARK N. LIPP, ESQ	Firm or Company Name VINSON & ELKINS L L P	
Contact Representative (if other than Applicant) MARK N. LIPP, ESQ	Firm or Company Name VINSON & ELKINS L L P			
	<table border="1"> <tr> <td data-bbox="181 915 850 989">Telephone Number (include area code) 2026396771</td> <td data-bbox="850 915 1488 989">E-Mail Address (if available) MLIPP@VELAW.COM</td> </tr> </table>	Telephone Number (include area code) 2026396771	E-Mail Address (if available) MLIPP@VELAW.COM	
Telephone Number (include area code) 2026396771	E-Mail Address (if available) MLIPP@VELAW.COM			
3	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114) <input type="radio"/> Governmental Entity <input type="radio"/> Other			
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Section I - General Information

1	Legal Name of the Applicant GREAT SOUTH RFDC, L L C		
	Mailing Address 415 COLLEGE STREET		
	City GREENVILLE	State or Country (if foreign address) AL	ZIP Code 36037 -
	Telephone Number (include area code) 3348759315		E-Mail Address (if available)
	FCC Registration Number 0008208311	Call Sign WZLM	Facility ID Number 15283
2	Contact Representative (if other than Applicant) MARK N LIPP FSQ		Firm or Company Name VINSON & ELKINS, L L P
	Telephone Number (include area code) 2026396771		E-Mail Address (if available) MLIPP@VELAW.COM
3	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114) <input type="radio"/> Governmental Entity <input type="radio"/> Other		
4	Application Purpose <div style="display: flex; justify-content: space-between;"> <div> <input type="radio"/> New station <input type="radio"/> Major Change in licensed facility <input type="radio"/> Minor Change in licensed facility </div> <div> <input type="radio"/> Major Modification of construction permit <input type="radio"/> Minor Modification of construction permit <input type="radio"/> Major Amendment to pending application <input checked="" type="radio"/> Minor Amendment to pending application </div> </div> (a) File number of original construction permit BPH-20030821ACG <input type="checkbox"/> NA (b) Service Type <input type="radio"/> AM <input checked="" type="radio"/> FM <input type="radio"/> TV <input type="radio"/> DTV (c) Community of License City DADEVILLE State AL (d) Facility Type <input checked="" type="radio"/> Main <input type="radio"/> Auxiliary If an amendment, submit as an Exhibit a listing by [Exhibit 1] Section and Question Number the portions of the pending application that are being revised		

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Section I - General Information

1	Legal Name of the Applicant SCOTT COMMUNICATIONS, INC.		
	Mailing Address 273 PERSIMMON TREE ROAD		
	City SELMA	State or Country (if foreign address) AL	ZIP Code 36701 -
	Telephone Number (include area code) 3348759360		E-Mail Address (if available)
	FCC Registration Number 0003772639	Call Sign WJAM-FM	Facility ID Number 59383
2	Contact Representative (if other than Applicant) MARK LIPP, ESQ		Firm or Company Name VINSON & ELKINS, L L P
	Telephone Number (include area code) 2026396771		E-Mail Address (if available) MLIPP@VELAW.COM
3	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114) <input type="radio"/> Governmental Entity <input type="radio"/> Other		
4	Application Purpose <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="radio"/> New station <input type="radio"/> Major Change in licensed facility <input type="radio"/> Minor Change in licensed facility </div> <div style="width: 48%;"> <input type="radio"/> Major Modification of construction permit <input type="radio"/> Minor Modification of construction permit <input type="radio"/> Major Amendment to pending application <input checked="" type="radio"/> Minor Amendment to pending application </div> </div> (a) File number of original construction permit BPH-20030821ACB <input type="checkbox"/> NA (b) Service Type <input type="radio"/> AM <input checked="" type="radio"/> FM <input type="radio"/> TV <input type="radio"/> DTV (c) Community of License City ORRVILLE State AL (d) Facility Type <input checked="" type="radio"/> Main <input type="radio"/> Auxiliary If an amendment, submit as an Exhibit a listing by [Exhibit 1] Section and Question Number the portions of the pending application that are being revised		

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Section I - General Information

1	Legal Name of the Applicant GREAT SOUTH RFDC, L L C		
	Mailing Address 415 COLLEGE STREET		
	City GREENVILLE	State or Country (if foreign address) AL	ZIP Code 36037 -
	Telephone Number (include area code) 3348759315		E-Mail Address (if available)
	FCC Registration Number 0008208811	Call Sign WAYI	Facility ID Number 85767
2	Contact Representative (if other than Applicant) MARK N. LIPP, ESQ		Firm or Company Name VINSON & ELKINS, L L P.
	Telephone Number (include area code) 2026396771		E-Mail Address (if available) MLIPP@VELAW.COM
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Section II - Legal

CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of October 2003 served a copy of the foregoing *Complaint and Request for Investigation* by First-Class United States mail, postage prepaid, upon the following

The Honorable Senator Richard Shelby
United States Senate
Washington, D C 20510-0103

John Rogovin, General Counsel
Joel Kaufman, Dep Assoc. G.C
Federal Communications Commission
Washington, D C 20554

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J Thomas Nolan
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Counsel to Cox

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Washington, D C 20005

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Birmingham, AL 35244

Dale Broadcasting, Inc
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Alexander City, AL 35051

Mark Blacknell
Womble Carlyle Sandridge & Rice
1401 Eye Street, N.W. # 700
Washington D C. 20005

Williamson Broadcasting, Inc
702 East Battle Street, Suite A
Talladega, AL 35161

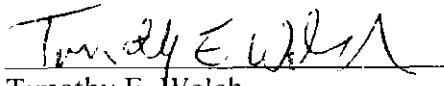
Scott Communications, Inc.
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Selma, AL 36701

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Dan J. Alpert
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1776 K Street, N.W.
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Timothy E. Welch